
**DOUGLAS COUNTY ADMINISTRATIVE
POLICIES AND PROCEDURES**

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COUNTY MANAGER: Sm
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SUBJECT: EMPLOYMENT DISABILITIES

- I. PURPOSE:** Douglas County recognizes that sections of its Administrative Policies and Procedures relating to fair employment practices encompasses its commitment to fair and equitable treatment of all employees and applicants, including those with disabilities. Douglas County also recognizes that there are specific issues relating to individuals with disabilities that must be individually addressed. Douglas County acknowledges its responsibility to ensure that individuals in the workplace can efficiently and safely perform the essential functions of their jobs without posing a direct threat to themselves and others.
- II. POLICY:** It is the policy of the County, Towns and the Districts to comply proactively with the applicable employment provisions of disability laws, including the Americans with Disabilities Act (ADA), as amended. The County, Towns, and Districts do not tolerate discrimination against any qualified individual with a disability in regard to any terms, conditions, or privileges of employment and prohibit any type of harassment or discrimination based on the physical or mental disability, history of disability, or perceived disability of an individual holding or seeking employment.

The County, Towns, and Districts are committed to provide reasonable accommodation wherever the need for such is known by the supervisor, department head, or elected official, or whenever the employee or applicant indicates a need for reasonable accommodation, provided that the individual is otherwise qualified to perform the essential functions of the assigned job and the employee's performance of the assigned job duties does not pose an obvious threat to the safety of him/herself or others.

- A. DETERMINATION OF DISABILITY:**
1. The employee/applicant must have a physical or mental impairment that substantially limits one or more life activities, have a record of such an impairment, or being regarded as having an impairment.
 2. Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, concentrating, thinking, communicating, reading, sitting, reaching, interacting with others, and working.
 3. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, special sensory

organs and skin, normal cell growth, digestive, bowel, bladder, neurological, brain, genitourinary, cardiovascular, hemic, lymphatic, musculoskeletal, respiratory, circulatory, endocrine, and reproductive functions.

B. DISABILITY-RELATED INQUIRIES:

1. Douglas County, Towns, and Districts shall adhere to the provisions of applicable laws regarding an employee's limitations on making disability-related inquiries or requiring medical examinations.
2. Restrictions regarding disability-related inquiries and medical examinations apply to all employees/applicants, whether or not they have disabilities. A disability-related question to an applicant may be a violation of law, even though the applicant may not have a disability.
3. Douglas County, Towns, and Districts may require the employee to provide a fitness-for-duty certification from an appropriate medical provider whenever there is reason to believe the employee may be unable to perform the essential functions of his/her job or pose a direct threat to him/herself or to others.
4. All medical related or genetic information obtained from a disability-related inquiry or medical examination, as well as any medical information voluntarily disclosed by an employee, will be treated as confidential medical records. Confidential medical records also include medical information from voluntary health or wellness programs.

C. ACCOMMODATION:

1. Accommodation for Applicants: Whenever an applicant requests accommodation in applying for, testing, or interviewing for a position with the County, Towns, or Districts the Human Resources Manager will determine whether the request for accommodation for a covered disability is reasonable or if another type of accommodation can be provided. In making the determination of reasonableness, the Human Resources Manager may consider whether granting such requests might impose an undue hardship on the County, Towns, or Districts.
2. Accommodation for Employees: When the County, Towns, or Districts have some objective reason to believe an employee may need some type of accommodation to perform his/her essential job functions, the Human Resources Manager, along with the department head, will initiate the interactive process with the employee to find out what accommodation the employee might need. Also, whenever an employee approaches his/her supervisor, the Human Resources Manager, or any other manager or elected official within organization requesting some type of accommodation, the Human Resources Manager, along with the department head, will initiate the interactive process.

Whenever a manager or supervisor becomes aware that an employee has requested or may require some type of accommodation, the manager/supervisor/department head must promptly notify the Human Resources Manager. Upon learning of the employee's request for accommodation, the Human Resources Manager will arrange to meet with the supervisor and the employee to discuss his/her accommodation request, the need for any reasonable documentation of the disability and the associated functions limitations, and the impact of the proposed accommodation on the organization. Review of an employee's particular situation by a medical review officer will assist the organization in determining appropriate accommodation.

3. The County, Towns or Districts may make disability-related inquiries and require medical examinations that are required or necessitated by applicable laws or regulations; e.g., federal safety regulations, OSHA requirements, etc.

11/03/11